

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RUSSELL L. SILICATO, individually, and)
KATHERINE L. SILICATO, individually,) C.A. NO. 1:07-cv-00557-GMS
)
Plaintiffs,)
vs.)
TIMOTHY RYAN RICHARDSON,)
individually, and)
CHARLES A KLEIN & SONS INC,)
a Foreign Corporation,)
)
Defendants.)

AMENDED COMPLAINT

The plaintiffs amend their complaint in the above cause by filing an affidavit made on behalf of the plaintiffs as to the Defendant's non-resident, the said CHARLES A. KLEIN & SONS, INC., and of the sending of a copy of the Complaint with Process and Notice as required by statute, the said affidavit with exhibits thereto to be considered incorporated in said Complaint as a part thereof.

BY: /s/ David P. Cline
David P. Cline, Esq. (#2681)
1300 North Market Street
Suite 700
Wilmington, DE 19801
302-529-7848
Attorney for Plaintiffs

Date: October 11, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

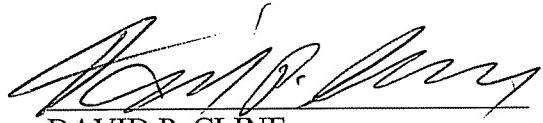
AFFIDAVIT

STATE OF DELAWARE :
NEW CASTLE COUNTY : SS

BE IT REMEMBERED, that on this 11th day of October, A.D., 2007 personally came before me, the subscriber, a Notary Public for the State of Delaware, David P. Cline, Esquire, who being by me duly sworn according to law, deposes and says:

1. That he is the attorney for the above named plaintiffs.
 2. To the best of my information and belief, on October 4, 2007, a notice was sent to defendant, CHARLES A. KLEIN & SONS, INC., by registered mail consisting of a copy of the process and complaint served upon the Secretary of State, and a statement that service of the original of such process has been made upon the Secretary of State and that such service is as effectual as if it had been made upon such nonresident personally within this state.
 3. Attached as Exhibit "A" are the receipts given by the United States Post Office to me on October 4, 2007, the date of mailing of the notice to defendant.

4. Attached as Exhibit "B" is the original, signed green card returned by the United States Post Office on October 11, 2007.
5. The notice to defendant, CHARLES A. KLEIN & SONS, INC., as required by 10 Del. C. § 3104 was contained in the envelope at the time it was mailed.
6. Attached as Exhibit "C" is a copy of the notice which was sent to defendant, CHARLES A. KLEIN & SONS, INC., along with process and complaint.
7. Attached as Exhibit "D" is a copy of the letter that was sent along with the Notice.



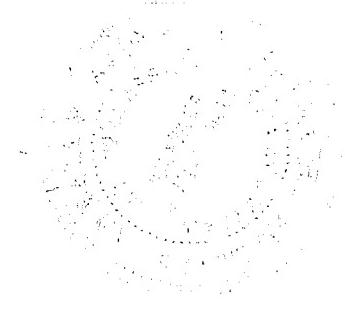
DAVID P. CLINE

SWORN to and SUBSCRIBED on this 11th day of October, 2007.



NOTARY PUBLIC

Angela M. Spinella
Notary Public - State of Delaware
My Comm. Expires Aug. 1, 2009



E x h i b i t

A

RODNEY SQUARE STATION
WILMINGTON, Delaware
198019998
3379300501 -0096

10/04/2007 (800)275-8777 05:13:53 PM

Product Description	Sales Receipt Sale Qty	Unit Price	Final Price
WEST CHESTER PA 19380 Zone-1 First-Class Large Env 5.60 oz. Return Rcpt (Green Card) Registered Insured Value : \$0.00 Article Value : \$0.00 Label #: RB295671980US		\$1.65	\$1.65
Issue PVI:		\$13.30	\$13.30
WEST CHESTER PA 19380 Zone-1 First-Class Large Env 5.70 oz. Return Rcpt (Green Card) Registered Insured Value : \$0.00 Article Value : \$0.00 Label #: RB295671976US		\$1.65	\$1.65
Issue PVI:		\$13.30	\$13.30
BERLIN MD 21811 Zone-2 First-Class Large Env 3.40 oz. Return Rcpt (Green Card) Registered Insured Value : \$0.00 Article Value : \$0.00 Label #: RB295671931US		\$1.31	\$1.31
Issue PVI:		\$12.96	\$12.96
BERLIN MD 21811 Zone-2 First-Class Large Env 3.30 oz. Return Rcpt (Green Card) Registered Insured Value : \$0.00 Article Value : \$0.00 Label #: RB295671945US		\$1.31	\$1.31
Issue PVI:		\$12.96	\$12.96

SYKESVILLE MD 21784 Zone-2 First-Class Large Env 3.30 oz. Return Rcpt (Green Card) Registered Insured Value : \$0.00 Article Value : \$0.00 Label #: RB295671959US	\$1.31
Issue PVI:	\$12.96
SYKESVILLE MD 21784 Zone-2 First-Class Large Env 3.30 oz. Return Rcpt (Green Card) Registered Insured Value : \$0.00 Article Value : \$0.00 Label #: RB295671962US	\$1.31
Issue PVI:	\$12.96

Total: \$78.44

Paid by:
Personal Check \$78.44

Order stamps at USPS.com/shop or call
1-800-Stamp24. Go to USPS.com/clicknship
to print shipping labels with postage.
For other information call 1-800-ASK-USPS.

Bill#: 1000400926332
Clerk: 04

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

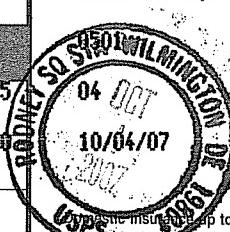
HELP US SERVE YOU BETTER

Go to: <http://gx.gallup.com/pos>

TELL US ABOUT YOUR RECENT
POSTAL EXPERIENCE

YOUR OPINION COUNTS

Customer Copy

Registered No.		RB295671959US	Date Stamp
			 Domestic insurance up to \$200.00 is included in the fee. International indemnity is limited. (See Reverse).
To Be Completed By Post Office	Reg. Fee	\$9.50	
	Handling Charge	\$0.00	Return Receipt \$2.15
	Postage	\$1.31	Restricted Delivery \$0.00
	Received by <i>[Signature]</i>		
	Customer Must Declare Full Value \$ \$0.00		<input type="checkbox"/> With Postal Insurance <input type="checkbox"/> Without Postal Insurance
OFFICIAL USE			
To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typewritten	FROM	<i>Dawn P. Cline, Esq. P.O. Box 33 Wilmington, DE 19899-0033</i>	
	TO	<i>Charles A. Klein + Sons, Inc. 5220 Kee Mill Rd Sykesville, MD 21784</i>	

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
 May 2004 (7530-02-000-9051) (See Information on Reverse)
 For domestic delivery information, visit our website at www.usps.com ®

~~Exhibit~~

~~Z~~

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Charles A Klein & Sons, Inc.
5220 Klee Mill Rd
Sykesville, MD 21784

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X *Patricia Kennedy* Agent
 Addressee

B. Received by (Printed Name)

PATRICIA Kennedy **C. Date of Delivery**

D. Is delivery address different from item 1?

Yes
If YES, enter delivery address below: No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input checked="" type="checkbox"/> Registered | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee) Yes**2. Article Number**

(Transfer from service label)

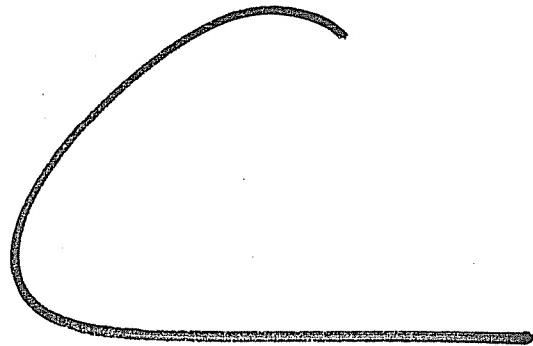
RB 295 671 959 US

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

E x h i b i t



David Cline

From: ded_nefreply@ded.uscourts.gov
Sent: Thursday, October 04, 2007 6:52 PM
To: ded_ecf@ded.uscourts.gov
Subject: Activity in Case 1:07-cv-00557-GMS Silicato et al v. Richardson et al Notice (Other)

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.
NOTE TO PUBLIC ACCESS USERS You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was entered by Cline, David on 10/4/2007 at 6:51 PM EDT and filed on 10/4/2007

Case Name: Silicato et al v. Richardson et al

Case Number: 1:07-cv-557

Filer: Russell L. Silicato
Katherine L. Silicato

Document Number: 4

Docket Text:

NOTICE of Long Arm Service of Process under 10 Del. C. Sec. 3104 to Defendant, Charles A. Klein & Sons, Inc. by Russell L. Silicato, Katherine L. Silicato (Cline, David)

1:07-cv-557 Notice has been electronically mailed to:

David P. Cline davidcline@mylawman.com

1:07-cv-557 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP_dcecfStamp_ID=1079733196 [Date=10/4/2007] [FileNumber=454507-0]
[4779d4c96a497ef0ba4caf178abd750418f13bf29309f2cdbadf0829ec32053ea865
60b0ceb57bb3460124aeed3cc862da60a89af49df5d2917dc8eb7ee34cc]]

IN THE UNITED STATES DISTRICT COURT**FOR THE DISTRICT OF DELAWARE**

RUSSELL L. SILICATO, individually, and)
KATHERINE L. SILICATO, individually,) C.A. NO. 1:07-cv-00557-GMS
)
Plaintiffs,)
vs.)
TIMOTHY RYAN RICHARDSON,)
individually, and)
CHARLES A KLEIN & SONS INC,)
a Foreign Corporation,)
-----)
Defendants.)

NOTICE

TO: Charles A. Klein & Sons, Inc.
5220 Klee Mill Road
Sykesville, MD 21784

PLEASE TAKE NOTICE that the original of the enclosed Complaint was filed upon the Secretary of State of Delaware pursuant to 10 Del. C. Section 3104.

Service on the Secretary pursuant to 10 Del. C. Section 3104 is as effectual to all intents and purposes as if it had been made upon you personally within the State of Delaware.

/s/ David P. Cline
David P. Cline, Esq. (#2681)
1300 North Market Street
Suite 700
Wilmington, DE 19801
302-529-7848
Attorney for Plaintiffs

Date: 10/04/07

Letter to Defendant, Charles A. Klein & Sons,
Inc., regarding long arm service of process as
prescribed by Section 3104 of the Delaware
Code of 1953

David P. Cline

Attorney-at-Law

Let MyLawman become Yourlawman.™

davidcline@mylawman.com

LICENSED TO PRACTICE IN
DE MD NJ NY & PA

FAX 302 654-0884

715 N. KING ST., 1ST FLOOR
PO BOX 33
WILMINGTON DE 19899-0033
302 529 - 7848
302 LAW-SUIT

PHILADELPHIA, PA 19103
MEDIA, PA 19063
MT LAUREL, NJ 08054

PLEASE NOTE NEW ADDRESS ABOVE; P.O. BOX REMAINS SAME

October 4, 2007

Charles A. Klein & Sons, Inc.
5220 Klee Mill Road
Sykesville, MD 21784

VIA REGISTERED MAIL/RETURN RECEIPT REQUESTED & REGULAR MAIL

Re: Russell L. Silicato, et al. vs. Timothy Ryan Richardson, et al.
Case No.: 07-557 GMS

To Whom It May Concern:

Please take notice that the enclosed process and complaint have been served upon the Secretary of State as prescribed by Section 3104 of Title 10 of the Delaware Code of 1953. This service upon the Secretary of State is made as if that service had been made upon you personally. Enclosed please find a copy of the Service of Process and the Complaint. Please note that you have 20 days from the date of service of this letter to file an answer to this complaint or a default judgment will be entered against you. A copy of that answer must be served upon me.

Please turn this matter over to the auto insurance company that was in effect on the date of this accident. If you do not have insurance that will cover you for this accident please contact me at the above. Thank you.

Very truly yours,

/s/ David P. Cline
(signed electronically)

David P. Cline

Enclosure
DPC/AS/a

Return of Service from Secretary of State for
Defendant, Charles A. Klein & Sons, Inc., for
long arm service of process as prescribed by
Section 3104 of the Delaware Code of 1953

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Delaware

RUSSELL L. SILICATO, individually, and)
 KATHERINE L. SILICATO, individually,)
 V. Plaintiffs,)
 TIMOTHY RYAN RICHARDSON, individually and)
 CHARLES A. KLEIN & SONS, INC., a foreign)
 corporation, Defendants.)

SUMMONS IN A CIVIL CASE

CASE NUMBER:

57 GMS

TO: (Name and address of Defendant)
 CHARLES A. KLEIN & SONS, INC., a foreign corporation
 5220 KLEE MILL ROAD
 SYKESVILLE, MD 21784

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

DAVID P. CLINE, ESQUIRE
 715 KING STREET, SUITE 100
 P.O. BOX 33
 WILMINGTON, DE 19899-0033
 (302) 529-7848

an answer to the complaint which is served on you with this summons, within Twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLOO

CLERK

(By) DEPUTY CLERK

DATE

9/17/07

RETURN OF SERVICE

Service of the Summons and complaint was made by me(1)	DATE 9/28/07
NAME OF SERVER (PPJNT) GRANVILLE MORRIS	TITLE SPECIAL PROCESS SERVER
<i>Check one box below to indicate appropriate method of service</i>	
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____	
<input type="checkbox"/> Returned unexecuted: _____	
<input checked="" type="checkbox"/> Other (specify): SERVED: CHARLES A. KLEIN & SONS, INC. UNDER 10 DEL. CODE SEC 3104 C/O THE DELAWARE SECRETARY OF STATE TOWNSEND BLDG. DOVER, DE COPIES THEREOF WERE ACCEPTED BY KAREN CHARBANEAU	

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 9/28/07

Date

Signature of Server

BRANDYWINE PROCESS SERVERS, LTD.
P.O. BOX 1360
WILMINGTON, DE 19899-1360
302-475-2600

**Original Complaint Filed on
September 17, 2007**

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07-557

CIVIL COVER SHEET

JS 44 (Rev. 11/04)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

(a) PLAINTIFFS *Silicato, Russell & Kallantine*
husband & wife, and individually

(b) County of Residence of First Listed Plaintiff *New Castle*
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's Firm Name, Address, and Telephone Number *302-529-7848
715 King St,
Ste. 101, Box 33, Wilm, DE 19899-0033*

DEFENDANTS *Richardson, Timothy Ryan,*
individually

*Worcester*County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|---|--|
| <input checked="" type="checkbox"/> U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input checked="" type="checkbox"/> U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity
(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | Def.
<input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	BORROWED/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employees' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deposition
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine Liability	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 520 Copyrights	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 530 Patent	<input type="checkbox"/> 490 Commodity TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 388 Product Liability	<input type="checkbox"/> 540 Trademark	<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 550 Securities/Commodities
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 560 Energy
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 575 Consumer Challenge
REAL PROPERTY				
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 661 HIA (1955)	<input type="checkbox"/> 580 Contracts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 520 habeas Corpus	<input type="checkbox"/> 662 Black Lung (923)	<input type="checkbox"/> 585 Construction
<input type="checkbox"/> 230 Real Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 663 DIFWC/DIWV (405(e))	<input type="checkbox"/> 590 Other Admiralty Actions
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 664 SEID Title XVI	<input type="checkbox"/> 591 Arbitration Agreements
<input type="checkbox"/> 245 Tort/Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 665 RSI (405(e))	<input type="checkbox"/> 692 Economic Stabilization Act
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 693 Environmental Matters
	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 694 Energy Allocation Act
	<input type="checkbox"/> 448 Other Civil Rights			<input type="checkbox"/> 695 Protection of Information
				<input type="checkbox"/> 696 Arbitration
				<input type="checkbox"/> 698 Appeal of Fee Determination Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statute unless diversity):
28 U.S.C. § 1332 - DIVERSITY

VI. CAUSE OF ACTION

Brief description of cause: *PERSONAL INJURY-Auto*

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

9/11/07

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

RUSSELL L. SILICATO, individually, and)
KATHERINE L. SILICATO, individually,) C.A. NO.
)
Plaintiffs,)
vs.)
TIMOTHY RYAN RICHARDSON,)
individually, and)
CHARLES A. KLEIN & SONS INC,)
a Foreign Corporation,)
)
Defendants.)

COMPLAINT

Plaintiffs, Russell L. Silicato and Katherine L. Silicato, through their counsel, David P. Cline, Esquire and Steven J. Stirparo, Esquire, say by way of Complaint that:

JURISDICTION

I. JURISDICTION BASED ON DIVERSITY OF CITIZENSHIP

1. Jurisdiction is based on diversity of citizenship and the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000), exclusive of interest and costs.
2. Jurisdiction is based on diversity of citizenship under 28 U.S.C. § 1332.

VENUE

3. Venue lies under 28 U.S.C. Section 1391.

PARTIES

4. Plaintiff, Russell L. Silicato, is and was at all times pertinent hereto a resident of the state of Delaware, residing at 3080 Wrangle Hill Road, Bear, Delaware 19701.

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5. Plaintiff, Katherine L. Silicato, is and was at all times pertinent hereto a resident of the state of Delaware, residing at 3080 Wrangle Hill Road, Bear, Delaware 19701, and is the wife of plaintiff, Russell L. Silicato.

6. Defendant, Timothy Ryan Richardson, an individual, upon information and belief, is believed at all times pertinent hereto, a resident of the state of Maryland, residing at 8226 Shira Drive, Berlin, Maryland 21811.

7. Defendant, Charles A. Klein & Sons Inc., a Foreign Corporation, upon information and belief, is believed to be at all times pertinent hereto, a Foreign Corporation of the state of Maryland, with its principal place of business located at 5220 Klee Mill Road, Sykesville, Maryland 21784.

8. At all times pertinent hereto, defendant Timothy Ryan Richardson was acting within the course and scope of his employment with defendant Charles A. Klein & Sons Inc. Therefore, defendant Charles A. Klein & Sons Inc is responsible for the reckless, wanton and/or negligent actions and/or inactions of defendant Timothy Ryan Richardson as an agent, employee and/or servant under the doctrine of *Respondeat Superior* and the law of agency as the principal, employer or master.

COUNT I

9. Plaintiffs hereby incorporate paragraphs 1 through 8 as if fully set forth herein.

10. On September 17, 2005, at approximately 11:50 a.m., plaintiff, Russell L. Silicato, was operating his motorcycle traveling in a southerly direction on Race Track Road, with his wife Katherine L. Silicato as his passenger.

11. At the same time and place, defendant, Timothy Ryan Richardson, was operating a vehicle owned by Charles A. Klein & Sons Inc, traveling in a northerly direction on Race Track

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Road and operated such vehicle in a negligent, careless and/or reckless manner, by failing to yield to oncoming traffic while attempting to make a left hand turn, causing his vehicle to violently collide into plaintiff, Russell L. Silicato's motorcycle.

12. This incident was the result of the negligence, carelessness, and /or recklessness of the defendant, Timothy Ryan Richardson, and was not caused in any manner whatsoever by the act or failure to act on the part of the plaintiffs.

13. The aforesaid collision and plaintiff Russell L. Silicato's resulting injuries and damages were proximately caused by the recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson in that he:

- a. failed to maintain a proper lookout while operating the vehicle he was driving;
- b. failed to give full time and attention to the operation of the vehicle he was driving;
- c. operated the vehicle he was driving in a careless and imprudent manner, without due regard for traffic conditions then existing;
- d. failed to exercise and maintain proper control over the vehicle he was driving;
- e. failed to give full time and attention to the operation of his motor vehicle; and
- f. violated the common-law duty of lookout.

14. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato suffered severe bodily injuries including, but not limited to, injuries to his neck, upper back, shoulders, ribs, right thumb, right hip, right foot and right arm. Some or all of his injuries have continued since the collision and are permanent in nature.

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15. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato has incurred, and will continue to incur in the future, medical and related expenses for his care and treatment.

16. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato has incurred in the past and will incur in the future, pain, suffering, discomfort and mental anguish.

17. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato has sustained in the past and may sustain in the future a loss of earnings and/or earning capacity.

18. As a further direct and proximate result of the recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato suffered the loss of consortium and companionship of her husband, Russell L. Silicato, as a result of his injuries.

COUNT II

19. Plaintiff hereby incorporate paragraphs 1 through 18 as if fully set forth herein.

20. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato suffered severe bodily injuries including, but not limited to, injuries to her right knee. Some or all of her injuries have continued since the collision and are permanent in nature.

21. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato has incurred, and will continue to incur in the future, medical and related expenses for her care and treatment.

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22. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato has incurred in the past and will incur in the future, pain, suffering, discomfort and mental anguish.

23. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato has sustained in the past and may sustain in the future a loss of earnings and/or earning capacity.

24. As a further direct and proximate result of the recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato suffered the loss of consortium and companionship of his wife, Katherine L. Silicato, as a result of her injuries.

WHEREFORE, plaintiffs demand judgment against defendants, jointly and severally, for their special and general damages, including pain and suffering, punitive damages, attorney fees, pre and post judgment interest, the costs of this action and other such relief as the Court finds just.

DAVID P. CLINE, P.A.
BY: /s/ David P. Cline
David P. Cline, Esq. (#2681)
715 King Street, Suite 100
P.O. Box 33
Wilmington, DE 19899-0033
Attorney for Plaintiffs
(302) 529-7848

Dated: September 17, 2007

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AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 07-517

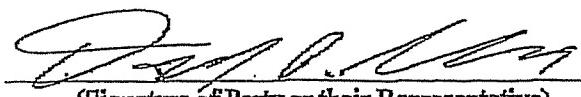
ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 2 COPIES OF AO FORM 85.

17 Sept 2007

(Date forms issued)



(Signature of Party or their Representative)

David P. Cline

(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

RUSSELL L. SILICATO, individually, and)
KATHERINE L. SILICATO, individually,) C.A. NO. 1:07-cv-00557-GMS
)
Plaintiffs,)
vs.)
TIMOTHY RYAN RICHARDSON,)
individually, and)
CHARLES A KLEIN & SONS INC,)
a Foreign Corporation,)
)
Defendants.)

NOTICE OF SERVICE

I, David P. Cline, Esquire, hereby certify that on this 4th day of October, 2007 copies of the NOTICE UNDER 10 DEL.C. §3104 UNDER DELAWARE LONG ARM STATUTE TO DEFENDANT, CHARLES A. KLEIN & SONS, INC. were filed electronically with the U.S. District Court and sent by registered and regular mail to:

Charles A. Klein & Sons, Inc.
5220 Klee Mill Road
Sykesville, MD 21784

DAVID P. CLINE, P.A.

BY: /s/ David P. Cline
DAVID P. CLINE, ESQUIRE (#2681)
1300 Market Street, Suite 700
P.O. Box 1970
Wilmington, DE 19899-1970
(302) 529-7848
Attorney for Plaintiffs

Dated: 10/4/07

E X h i b i t

D

David P. Cline

davidcline@mylawman.com

Attorney-at-Law

Let MyLawman become YourLawman™

LICENSED TO PRACTICE IN
DE MD NJ NY & PA

FAX 302 654-0884

715 N. KING ST., 1ST FLOOR
PO BOX 33
WILMINGTON DE 19899-0033
302 529 - 7848
302 LAW-SUIT

PHILADELPHIA, PA 19103
MEDIA, PA 19063
MT LAUREL, NJ 08054

PLEASE NOTE NEW ADDRESS ABOVE; P.O. BOX REMAINS SAME

October 4, 2007

Charles A. Klein & Sons, Inc.
5220 Klee Mill Road
Sykesville, MD 21784

VIA REGISTERED MAIL/RETURN RECEIPT REQUESTED & REGULAR MAIL

Re: Russell L. Silicato, et al. vs. Timothy Ryan Richardson, et al.
Case No.: 07-557 GMS

To Whom It May Concern:

Please take notice that the enclosed process and complaint have been served upon the Secretary of State as prescribed by Section 3104 of Title 10 of the Delaware Code of 1953. This service upon the Secretary of State is made as if that service had been made upon you personally. Enclosed please find a copy of the Service of Process and the Complaint. Please note that you have 20 days from the date of service of this letter to file an answer to this complaint or a default judgment will be entered against you. A copy of that answer must be served upon me.

Please turn this matter over to the auto insurance company that was in effect on the date of this accident. If you do not have insurance that will cover you for this accident please contact me at the above. Thank you.

Very truly yours,

/s/ David P. Cline
(signed electronically)

David P. Cline

Enclosure
DPC/AS/a

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RUSSELL L. SILICATO, individually, and)
KATHERINE L. SILICATO, individually,) C.A. NO. 1:07-cv-00557-GMS
)
Plaintiffs,)
vs.)
TIMOTHY RYAN RICHARDSON,)
individually, and)
CHARLES A KLEIN & SONS INC,)
a Foreign Corporation,)
)
Defendants.)

CERTIFICATE OF SERVICE

I, David P. Cline, Esquire, hereby certify that on this 11th day of October, 2007 copies of the **AMENDED COMPLAINT AND LONG ARM AFFIDAVIT UNDER 10 DEL.C. §3104** were filed electronically with the U.S. District Court and sent by regular mail to:

Charles A. Klein & Sons, Inc.
5220 Klee Mill Road
Sykesville, MD 21784

By: /s/ David P. Cline
David P. Cline, Esq. (#2681)
1300 North Market Street
Suite 700
Wilmington, De 19801
302-529-7848
Attorney for Plaintiffs

Date: October 11, 2007